



National Lieutenant Governors Association

**RESOLUTION REGARDING URGED CHANGE TO
THE NATIONAL DEFENSE AUTHORIZATION ACT**

WHEREAS section 1076 of the John Warner National Defense Authorization Act (Public Law 109-364) unnecessarily expanded the President's authority to federalize the National Guard during unspecified emergencies and disasters, and

WHEREAS responsibility for responding to disasters and other local emergencies to assure the security and wellbeing of our residents along with managing the Guard within a state must rest with the governor, and

WHEREAS the changes made in Section 1076 of the National Defense Authorization Act undermine governors' authority over the Guard, place the safety and welfare of citizens in jeopardy, and

WHEREAS unless activated in purely federal service, the National Guard is and should remain under state control with governors as commanders-in-chief; the dual mission of the Guard, a combat ready force that can be called on by the President and a first responder in domestic emergencies or disasters under the command and control of the governor, requires that federal law clearly delineate chains of command for each mission; the changes made to the "Insurrection Act" by Section 1076 of the National Defense Authorization Act are likely to confuse the issue of who commands the Guard during a domestic emergency; and by granting the President specific authority to usurp the Guard during a natural disaster or emergency without the consent of a governor, Section 1076 could result in confusion and an inability to respond to residents' needs because it calls into question whether the governor or the President has primary responsibility during a domestic emergency, and

WHEREAS the Insurrection Act, prior to passage of the National Defense Authorization Act served the nation well as an extraordinary remedy that allowed the President to take control of the Guard in the most rare and exceptional of cases; and despite the role of governors as commander-in-chief of the Guard in their states, Section 1076 of the National Defense Authorization Act was drafted without consultation with governors and without full discussion or debate regarding the ramifications of such a change on domestic emergency response,

SO NOW, THEREFORE, BE IT RESOLVED the members of NLGA urge Congress to repeal the provision in Section 1076 of the Act and open a dialogue with governors regarding how to best enhance the effectiveness of the Guard in responding to domestic disasters and emergencies; and

BE IT RESOLVED THAT the National Lieutenant Governors Association strongly urges that changes made in Section 1076 of the National Defense Authorization Act should be repealed.

Sponsored by: Lt. Governor Brian Dubie, Vermont

Additional Co-Sponsors:

Lt. Governor John Bohlinger, Montana
Lt. Governor Michael Fedele, Connecticut
Lt. Governor Elizabeth Roberts, Rhode Island
Lt. Governor Rick Sheehy, Nebraska

Lt. Governor Patty Judge, Iowa
Lt. Governor Mark Parkinson, Kansas
Lt. Governor Anthony Brown, Maryland

As finally passed by the Executive Committee and General Business session this 16th day of March, 2007.